

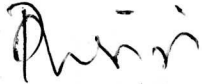
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C.A./261/88

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

25/04/1988

Heard learned advocates Mr. H.J. Nanavati and Mr. J.D. Ajmera for the applicant and respondents respectively. Admit. Issue notice on the respondent to reply on merit. Respondents to give leave at Ahmedabad on the petitioner's application and the case be posted for hearing on 13th May, 1988.


(P H Trivedi)
Vice Chairman


(P M Joshi)
Judicial Member

*Mogera

Coram : Hon'ble Mr. P. H. Trivedi : Vice Chairman

16-5-1988

Heard learned advocates Mr. P. K. Shastri and Mr. J. D. Ajmera for the applicant and the respondents respectively. The petitioner admits that he is in a transferable post and has been serving in Ahmedabad for five years. He pleads that his transfer from Ahmedabad to Palanpur has been occasioned due to his going against the interest of the Administrative Officer in a matter of admissibility of house rent for which reason the Administrative Officer has influenced the Regional Officer into passing an order of transfer from Ahmedabad to Palanpur. The petitioner has a special reason for being aggrieved about the transfer to Palanpur because according to him, his wife was raped there. The respondents state that the petitioner at his request was transferred from Ahwa to Ahmedabad on a trial basis for a period of six months ~~and~~ and has been continued at Ahmedabad for a period of more than three years.

Since the petitioner is transferable and has been at Ahmedabad for five years the transfer as such cannot be resisted. The petitioner has cited the cases of other L.D.Cs. who have not been disturbed. His case is not on force ^{all the} of this, ^{as there,} he is ^{transferred} on trial basis at his request. However, on account of the petitioner's wife having been a victim of rape at Palanpur the petitioner's case for not being transferred to Palanpur deserves consideration. So far as mala-fides are concerned, the fact that the Regional Officer has passed the order does not yield ^{any} conclusions regarding mala fide having been established. The petitioner should have, therefore, no grievance if he is transferred to any place other than Palanpur- The petitioner's wife is serving in the State Government at Salajala and in accordance with the policy of the government to accommodate

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husband and wife together in the same or nearby place, the petitioner urges that he be given a suitable posting. This ~~should~~ ^{may} be taken into consideration by the respondent authorities. The learned advocate for the respondents makes a statement that he will not be so transferred to Palanpur. The respondents are at liberty to pass fresh orders in the light of our above observation. The petitioner to make a representation about his transfer within a week from the date of this order. With this order the case stands disposed of.


(P. H. Trivedi)
Vice Chairman